



SIGNED THIS 4th day of March, 2019

**THIS ORDER HAS BEEN ENTERED ON THE DOCKET.
PLEASE SEE DOCKET FOR ENTRY DATE.**

A handwritten signature in black ink, reading "Paul M. Black", is written over a horizontal line.

Paul M. Black
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA**

IN RE:

**CONNLEY E. WILHELM, JR.
RHONDA S. WILHELM,**

Debtors.

**CASE NO. 19-70034-PBR
Chapter 13**

ORDER CONFIRMING PLAN

The Chapter 13 Plan (the "Plan") filed by the Debtors on **January 25, 2019**, having been transmitted to all creditors; and it having been determined that the Plan meets each of the requirements of 11 U.S.C. § 1325(a);

It is ORDERED that:

- (1) the Plan as filed or modified is CONFIRMED.
- (2) Upon entry of this order, all property of the Estates shall revert in the Debtors. Notwithstanding such reversion, the Debtors shall not encumber, refinance, sell or otherwise convey real property without first obtaining an order of approval from this Court.
- (3) All funds received by the Chapter 13 Trustee (the "Trustee") on or before the date of entry of an order of dismissal shall be disbursed to creditors, unless such disbursement would be de minimis, in which case the funds may be disbursed to the Debtors or paid into the Treasury registry fund account of the Court, at the discretion of the Trustee. All funds received by the Trustee after the date of entry of an order of dismissal or conversion shall be refunded to the Debtors at their address of record.
- (4) Other provisions:
 - a) The Trustee's motion to dismiss is withdrawn and all pending objections have been resolved.
 - b) Notwithstanding paragraph two (2) above, the Debtors' interest in property defined by 11 U.S.C. § 1306(a)(1), which includes future interests and inchoate interests, reverts in the Debtors only to the extent that the Debtors could legally claim such interest(s) as exempt and is(are) subject to the legal limitations of that exemption. Confirmation is without

prejudice to the Trustee seeking, but not requiring, further modification of the Plan upon realization of the value of such property.

- c) All claims, if any, held by the Estates pursuant to 11 U.S.C. §§ 506(d), 544, 547, 548 and/or 549, are expressly preserved for the benefit of the Estates post-confirmation, and such claims may be, but are not necessarily required to be, pursued by the Trustee.
- d) All claims the estate and/or the debtor hold against JRW & Associates, i.e., the entity identified in response to item seventeen in the Statement of Financial Affairs, its agents, partners, affiliates and/or employees, are preserved for the estate and may be prosecuted by the Chapter 13 Trustee, the United States Trustee, and/or the debtor.
- e) The total to be paid into the plan is \$90,475.00.
- f) Confirmation of Plan herein is subject to the modifications set forth in the Notice filed February 14, 2019, at Docket No. 34. The Court having found that no objections to such Notice were filed in the time set forth in the same, and notice having been afforded to all creditors and parties in interest, the Plan is confirmed with such modifications controlling any discrepancy in the Plan to the contrary.
- g) Absent further order of the court, the Debtor(s) Motion to Extend Automatic Stay, docket entry 20, is hereby GRANTED and the stay shall remain in full force and effect through the remainder of the Debtor(s) Chapter 13 case.
- h) If any taxing authority which files a claim for estimated or unassessed taxes has not amended its proof of claim within 30 days after the governmental bar date to reflect actual taxes owed, then the debtor will promptly object to the claim. Confirmation is without prejudice to any party either seeking further amendment of the Plan to provide for actual taxes owed or from the Trustee seeking to dismiss the case if either the actual taxes owed ultimately renders the Plan underfunded or the debtor has not promptly objected to the claim.

END OF ORDER

Prepared By:

/s/Christopher Micale
Christopher Micale
15 Salem Ave SE Ste 300
Roanoke, VA 24011-1419
(540) 342-3774
chapter13_trustee@ch13wdva.com

Seen and Agreed:

/s/Malissa Giles, Atty., with permission
Counsel for Debtors
P.O. BOX 2780
ROANOKE, VA 240010000
540-981-9000
mgiles@gileslambert.com

